

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONTENTGUARD HOLDINGS, INC.,

PLAINTIFF,

V.

AMAZON.COM, INC., ET AL.

DEFENDANTS.

No. 2:13-cv-01112 (JRG)

JURY TRIAL DEMANDED

**NOTICE OF COMPLIANCE WITH THIRD-PARTY PRODUCTION
PROVISIONS BY DEFENDANT APPLE, INC.**

Pursuant to Paragraph 12 of the Amended Protective Order Regarding the Disclosure and Use of Discovery Materials (Dkt. No. 152), notice is given that Defendant Apple Inc. (“Apple”) produced third-party confidential information in compliance with the Amended Protective Order and verifies as follows:

- 1. Buena Vista Home Entertainment:** Apple notified Buena Vista Home Entertainment (“BVHE”) and Walt Disney Pictures and Television of its intent to produce BVHE confidential information via two Federal Express overnight deliveries by letter dated October 24, 2014 with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. A first Federal Express envelope was delivered to Buena Vista Home Entertainment on October 27, 2014; and a second Federal Express envelope was delivered to Walt Disney Pictures and Television on October 27, 2014. Apple has not received a response.
- 2. Fox Entertainment Group, Inc.:** Apple notified Fox Entertainment Group, Inc. (“Fox”) of its intent to produce Fox confidential information via Federal Express overnight delivery by letter dated October 24, 2014 with the Amended Protective Order attached

and a copy of the confidential information Apple intended to disclose. The Federal Express envelope was delivered on October 28, 2014. On November 10, 2014, Fox's Vice President of Litigation, Jana Bassett, agreed to the disclosure of the documents, pursuant to the protective order.

3. Home Box Office, Inc.: Apple notified Home Box Office, Inc. ("HBO") of its intent to produce HBO confidential information via Federal Express overnight delivery by letter dated October 24, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. The Federal Express envelope was delivered on October 27, 2014. On November 6, 2014, Jessica Davidovitch, HBO's Vice President & Senior Counsel of Litigation, agreed to the disclosure of the documents, pursuant to the protective order.

4. NBC Universal: Apple notified Universal Studios Home Entertainment LLC and Universal City Studios Productions LLP (together "Universal"), NBC Universal Digital Distribution, and NBC Universal Television Distribution, of its intent to produce Universal confidential information via three Federal Express overnight deliveries by letter dated October 24, 2014 with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. A first Federal Express envelope was delivered to NBC Universal Digital Distribution on October 27, 2014; a second Federal Express envelope was delivered to NBC Universal Television Distribution on October 27, 2014; and a third Federal Express envelope was delivered to Universal Studios Home Entertainment LLC on October 27, 2014. Apple has not received a response.

5. Sony Pictures Television, Inc.: Apple notified Sony Pictures Television, Inc. ("Sony") of its intent to produce Sony confidential information via Federal Express overnight delivery by letter, and by emailed letter, both dated October 24, 2014, with the Amended

Protective Order attached and a copy of the confidential information Apple intended to disclose. The Federal Express envelope was delivered on October 27, 2014; the emailed letter was delivered on October 24, 2014. Apple has not received a response.

- 6. Canalys:** Apple notified Canalys (“Canalys”) of its intent to produce Canalys confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.
- 7. Forrester Research, Inc.:** Apple notified Forrester Research, Inc. (“Forrester”) of its intent to produce Forrester confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.
- 8. Frost & Sullivan:** Apple notified Frost & Sullivan (“Frost”) of its intent to produce Frost confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. On November 10, 2014, Perry Somers, Frost’s Director of Business Development, agreed to the disclosure of the documents, pursuant to the protective order.
- 9. Futuresource Consulting Ltd.:** Apple notified Futuresource Consulting Ltd. (“Futuresource”) of its intent to produce Futuresource confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.
- 10. Gartner, Inc.:** Apple notified Gartner, Inc. (“Gartner”) of its intent to produce Gartner confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. On November 13, 2014 and November 17, 2014, Stephanie Calderon, Gartner’s

Ombudsman Specialist, replied with questions to which Apple answered. Apple has not received any further response.

11. International Data Corporation: Apple notified International Data Corporation (“IDC”) of its intent to produce IDC confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.

12. Informa: Apple notified Informa (“Informa”) of its intent to produce Informa confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. On November 17, 2014, Nathan Knight, Informa’s Regional Sales Director for North America, agreed to the disclosure of the documents, pursuant to the protective order.

13. Lieberman Research Worldwide: Apple notified Lieberman Research Worldwide (“Lieberman”) of its intent to produce Lieberman confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.

14. The Linley Group: Apple notified The Linley Group (“Linley”) of its intent to produce Linley confidential information via email dated November 11, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. On November 11, 2014, Linley Gwennap, Linley’s Founder and President, agreed to the disclosure of the documents, pursuant to the protective order.

15. Mintel Group Ltd.: Apple notified Mintel Group Ltd. (“Mintel”) of its intent to produce Mintel confidential information via email dated November 11, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to

disclose. Apple has not received a response.

16. The NPD Group, Inc.: Apple notified The NPD Group, Inc. (“NPD”) of its intent to produce NPD confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.

17. Strategy Analytics, Inc.: Apple notified Strategy Analytics, Inc. (“Strategy Analytics”) of its intent to produce Strategy Analytics confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.

18. The Yankee Group: Apple notified The Yankee Group (“Yankee”) of its intent to produce Yankee confidential information via email dated November 10, 2014, with the Amended Protective Order attached and a copy of the confidential information Apple intended to disclose. Apple has not received a response.

Dated: December 5, 2014

/s/ Melissa R. Smith

Melissa R. Smith
State Bar No. 24001351
GILLAM & SMITH, L.L.P.
303 S. Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
melissa@gillamsmithlaw.com

Bryan K. Anderson
bkanderson@sidley.com
Nathan Greenblatt
ngreenblatt@sidley.com
SIDLEY AUSTIN LLP
1001 Page Mill Road, Bldg. 1
Palo Alto, CA 94304
650/565-7007
Fax: 650-565-7100

David T. Pritikin
dpritikin@sidley.com
Richard A. Cederroth
rcederroth@sidley.com
SIDLEY AUSTIN LLP
One South Dearborn St.
Chicago, IL 60603
312/853-7359
Fax: 312/853-7036

Kelly A. Krellner
kkrellner@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Ste. 2000
San Francisco, CA 94101
415/772-7418
Fax: 415/772-7400

Attorneys for Defendant Apple Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on December 5, 2014. *See* Local Rule CV-5(a)(3)(A).

/s/ Melissa Richards Smith

Melissa R. Smith